

## CHAPTER 304 FINANCE

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**304-1. Duties of Comptroller.** 1. It shall be the duty of the comptroller to exercise control over the financial concerns of the city and to prescribe the forms for the methods of keeping and rendering all city accounts.

2. The city comptroller shall, on January 25th of each year, adjust and close all the city's accounts for the year ending on the 31st day of December of the preceding calendar year, and submit to the common council with his annual report a copy of the trial balance of his books at said date.

3. He shall, on or before January 24th of each year, audit and charge the proper funds with all bills of the previous calendar year which may be submitted to him and it is made the duty of each and every officer, clerk and employe of the city to procure and present to the city comptroller all claims of any nature for the previous calendar year appertaining to his department or office, and also all credits which may be due any of the funds of the city.

4. He shall keep separate and distinct accounts of all funds held in trust and certificates issued by the city, and separate and distinct accounts for the purposes for which bonds are issued, and distinct and properly classified accounts of all the city's business.

### **304-3. Adjustment of City Claims.**

1. CANCELLATION, ETC. a. Any department which is required to demand or obtain payment of a claim or an account in favor of the city and against any person, firm, corporation or association, upon receipt of advice of the city attorney that such claim or account cannot be collected in whole or in part,

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or that the enforcement of the collection of such claim or account would be reasonably improbable, or may lead to expense to the city in excess of that which the city may recover through litigation, the head of such department or duly authorized representative may certify to the comptroller on forms which he or she shall provide as to the noncollectibility of such claim or account, or part of such claim or account, said certification to be approved by the city attorney prior to the submission to the city comptroller, and the comptroller shall thereupon issue a written order either cancelling or adjusting such claim or account, as the case may be, on the books or records of the comptroller's department; provided, however, that the amount of the cancellation or adjustment shall not exceed the sum of \$5,000. On all cancellations or adjustments in excess of \$5,000, except as otherwise provided herein, common council action approving the cancellation or adjustment is required before they may be recorded on the books or records of the comptroller's office.

b. Notwithstanding the provisions of par. a, the city attorney, with the advice of the city comptroller, may, from time to time, establish a de minimus amount whereby the balance remaining on an invoice after payment, or an amount received on an invoice greater than the amount due, or amounts remaining uncollected as a result of an approved settlement, may be automatically adjusted without further approval or review through either an automated or manual process. The related short or over adjustment will be applied to a city account as deemed appropriate by the city comptroller.

c. The head of a department may certify to the comptroller that a claim or account has been issued in error or improperly billed for purpose of cancellation or adjustment of the claim, provided the comptroller is advised that where the claim or account was improperly billed it has been re-billed properly with the further proviso that it is unnecessary to secure the approval of the city attorney. This cancellation or adjustment shall have no limitation as to amount.

**2. COMPTROLLER TO PREPARE FORMS.** The comptroller shall prepare all forms used by departments in complying with sub. 1 and shall prepare and order the

cancellation or adjustment of such claim or account. He shall furnish to the city attorney and the head of the department seeking the cancellation or adjustment of such claim or account, a copy of said order.

**3. REPORT TO COUNCIL.** The comptroller shall submit to the common council, on or before March 31, an annual report listing all cancellations or adjustments as certified to the office of the comptroller by any department of the city.

**304-5. Liability Insurance. 1. ADMINISTERED BY COMPTROLLER.** The office of comptroller is charged with the responsibility of supervising and controlling the purchase of insurance to cover the city's liability for acts growing out of municipal operations and also such coverage which shall generally apply to the insurance of city property. The authority vested in the office of comptroller with respect to such supervision and control over the insurance program shall not include health or hospital insurance, social security insurance, workmen's compensation insurance, group life insurance, title insurance or temporary insurance on property purchased by the city and being managed by the department of city development, it being the intention that all other fields of insurance purchased by the city shall come under the supervision and control of the office of comptroller.

**2. COMMON COUNCIL CONTROL.** All insurance purchased under the provisions of this section, with the exception of insurance available from the state insurance fund, as provided for in chs. 604 and 605, Wis. Stats., shall be purchased through the central board of purchases on specifications furnished by the office of the city comptroller, and the insurance consultant if necessary, unless the common council authorizes by resolution another procedure for a specific purchase; provided that the following types of purchases of insurance shall be the only types of purchases which shall require authorization by the common council.

a. All new coverage, and all new types of coverages.

b. Increased limits of coverage which results in an increase in annual premium of over \$400, or 3 year premium of over \$1,000.

3. **RULES AND REGULATIONS.** The office of comptroller may adopt such rules and regulations with respect to its authority under this section as it deems appropriate, but such rules and regulations shall not become effective until they have been approved by the committee on judiciary-legislation of the common council and by resolution of the common council, and upon such approval, filed with the city clerk.

4. **INSURANCE COUNSELOR.** With the approval of the common council, the office of comptroller may retain an insurance consultant, which insurance consultant, however, shall not be in the business of buying or selling insurance. Payment of the fees of such consultant shall be paid out of such funds as the common council may direct.

5. **REGISTRY OF INSURANCE.** The office of comptroller shall keep a record showing all current insurance coverage for the city of Milwaukee, which records shall be available for public inspection during regular office hours. Such record shall show the name and address of the company providing such coverage, the local agency handling the account, and the amount of coverage provided for under such policy. All insurance policies purchased under this section shall be kept in the office of the comptroller.

6. **REPORTING OF COVERAGE.** The office of the city comptroller shall annually report to the common council on all current insurance coverage of the city of Milwaukee.

### **304-7. Claims Against the City.**

1. **AUTHORITY.** In furtherance of the city policy of providing prompt, efficient, fair and equitable evaluation and disposition of claims against it, the city attorney is authorized to investigate and make settlement of claims not in excess of \$5,000, hereafter referred to as small claims; and to investigate and make settlement of claims in excess of \$5,000 for a sum not in excess of \$5,000; and to investigate and negotiate settlement of motor vehicle liability claims.

2. **STANDARDS AND PROCEDURE.**

a. Motor vehicle claims and small claims against the city of Milwaukee shall be received by the office of the city clerk and forwarded to the office of the city attorney.

b. Upon receipt of a claim, the office of the city attorney shall review the claim.

c. An investigator shall investigate the claim fully to ascertain all relevant facts bearing upon the claim. All payments in settlement of claims shall be approved by the city attorney.

d. In those cases where the office of the city attorney recommends disallowance, the claimant shall be so informed by the city attorney. In those cases where the office of the city attorney recommends settlement, he shall reach a determination with the claimant as to the reasonable settlement of the claim.

e. The office of the city attorney shall prepare a payment certification incorporating the designated attorney's signed statement of facts warranting payment and forward it to the office of the comptroller. The comptroller shall prepare the necessary payment check to the claimant and forward the same to the city attorney's office which shall obtain from the claimant an executed release before the check is released to the claimant.

f. The office of the city attorney shall submit to the common council semiannual reports as to the determination and disposition of all claims filed during the preceding period, as well as other reports as may be requested by the common council. Copies of the reports shall be made available to other city departments or officials upon request.

3. **RIGHT OF REVIEW.** Any claimant who feels aggrieved by the disallowance of his claim or is unable to come to agreement with the office of the city attorney as to the settlement of the claim has 21 days in which to communicate with the common council setting forth his grievance. The committee on judiciary-legislation of the common council shall then hold hearings with respect to such grievances and shall report its recommendations to the common council.

**304-9. Payment of Bills. 1. FORMS OF BILLS.** All bills, except bills for reimbursement of legislative expenses as provided for in s. 304-11, presented to said city for payment shall be made in a manner and on forms as prescribed by the city comptroller.

2. **AUDIT OF BILLS BY COMPTROLLER.** All bills, except bills for reimbursement of legislative expenses as provided for in s. 304-11, so made out shall be presented to the city comptroller for audit, and he shall examine the same, together with the

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contract, or law or other authority under which payment of such bill is claimed, and he shall further determine if such claimant is indebted to the city of Milwaukee or any of its agencies, and if so, such indebtedness shall first be deducted when the balance is in claimant's favor; and if he finds such bill correct and properly payable by the city under the contract, or law or other authority under which payment thereof is claimed, he shall approve such bill for payment. If he shall find that a different sum from that claimed in the bill is so payable, he shall approve such bill for payment at the sum he so finds to be properly payable by the city, and if he finds that no part of such bill as presented is properly payable by the city, he shall refuse to approve the same for payment.

**3. PAYMENT OF BILLS.** After approval of the original bill, the city comptroller shall determine if funds are available in the general fund. Bank checks may be drawn for the payment of such bills by the proper city officers, namely, the city comptroller and the city treasurer. All other procedures applicable shall be provided for in the city charter. The procedure outlined herein shall not be applicable to bills for reimbursement of legislative expenses as provided for in s. 304-11.

**304-11. Travel Expenses With Respect to Legislative Activities.** **1. TRAVEL.** The legislative activities of the city of Milwaukee, either before the state legislature or the congress, are deemed authorized for travel for which actual and necessary expenses may be incurred and reimbursement made as stated in this section.

**2. AUTHORIZATION.** The legislative counsel for the city of Milwaukee is authorized to carry on and engage in the name of the city of Milwaukee in activities of such type and in such place as he deems appropriate in carrying out the duties assigned to him by the common council, the mayor and by prior and future resolutions; and he is further authorized to engage in the name of the city accommodations that are deemed necessary to carry out his duties.

**3. APPROVAL.** Persons authorized by the common council, the judiciary-legislation committee, and members of the city attorney's staff authorized by the city attorney are authorized to carry on such legislative activities as may be required of them and in their line of duty.

**4. REIMBURSEMENT.** In carrying out their respective duties the persons referred to in this section and as otherwise authorized by the common council shall be permitted and authorized to incur expenses for transportation of their choice, hotel, taxi, telephone, telegrams, meals, tips, and all other necessary miscellaneous items, and they shall be reimbursed for all such expenses upon direction of the judiciary-legislation committee.

**5. AUDIT.** The audit of such items of expense relating to legislative activities, as referred to, shall be the responsibility of either the city clerk, or the chairman of the judiciary-legislation committee of the common council, as determined by that committee.

**6. SEPARATE ACCOUNT.** The chairman of the committee on judiciary-legislation is authorized to maintain a separate bank account in a public depository in the city of Milwaukee for the purpose of reimbursing the travel and other expenses of persons authorized under this section to attend legislative sessions, appear before legislative committees, and to transact other legislative matters, following receipt from such person of an itemized statement of expenses submitted in accordance with this section. The chairman of the committee on judiciary-legislation is also authorized to issue a check to such person in the amount of such travel or other expenses drawn upon such bank account.

**304-13. Expense Vouchers for Common Council President and Mayor.** The allowances provided in the municipal budget to the common council president and the mayor because of expenses which devolve in the performance of the duties of their offices shall be paid by means of vouchers throughout the budget year, and the vouchers shall be processed by the comptroller in the manner set forth in s. 304-9-2. The comptroller may prescribe guidelines for preparation of vouchers requesting payment of expenses from the allowances.

**304-15. Pay Roll Approval.** **1. AUDITED.** It shall be the duty of the heads or head of every department of the city of Milwaukee, by whatever name known, to file with the city comptroller pay rolls as a basis for the disbursement of all funds appropriated for salaries and wages for all the officers and employes of the city in his or their department, which pay roll shall be drawn up and certified

to in the form and manner prescribed by the city comptroller. All such pay rolls shall be audited and countersigned by the city comptroller who shall charge the appropriate funds in accordance with departmental or tabulated schedules, and who shall thereafter file the pay roll reports.

2. **SPECIAL APPROVAL.** It is further provided, however, that in case of all help employed by any of the said departments, where no salary is fixed by law, ordinance or resolution, that such payroll, before being paid, shall be approved by the proper committee of the common council, who shall endorse their approval thereon.

**304-17. Salary Checks, Unclaimed.** In case any person mentioned in any of the said payrolls shall not appear within 30 days for payment of the amount due him, as appears by said pay roll, the treasurer shall pay such amount into the treasury to the credit of the fund to which it is charged, and in case any such person should afterwards appear at any time within 6 years from the date of said payroll, such amount may be paid him by a city order, issued as required by law.

**304-18. Unclaimed Principal and Interest on Bearer Debt.** If funds deposited to the city's debt service account for the payment of city bearer debt obligations remain unclaimed for a period of 6 years following the debt maturity date, such funds shall be transferred by the comptroller to the city's general fund.

**304-19. Witness Fees Paid to City Employees.** Any and all witness fees due or paid to any official or employee of the city of Milwaukee for attendance or testifying in any action or proceeding where the information or knowledge testified to or sought to be elicited has been acquired by said official or employee in the performance of his or her official duty or employment, and when such official or employee receives wages or salary from the city of Milwaukee for the time spent in such attendance, shall be immediately paid over by such official or employee to the city treasurer. All such witness fees received by the city treasurer shall be credited to the general city fund. The provisions of this section shall not apply to any member or employee of the police department.

**304-21. Approval of Contracts by City Attorney.** No agreement, contract or instrument whatsoever shall be approved by the common council, nor shall be executed by officers of the city or by any other person authorized by the common council to execute agreements, contracts or instruments for the city, the subject matter of which involves any transfer of property whatsoever or any purchase of property whatsoever, in which the consideration exceeds \$25,000 or in which the consideration can reasonably be interpreted to exceed a value of \$25,000, unless the city attorney's office has first approved the provisions of said agreement, contract or instrument and said fact appears in writing on the face of such document. This section is not intended to eliminate the necessity of obtaining approval, however, from the city attorney in all other instances where such approval is required under any other statute, ordinance, including charter ordinances, or resolution of the common council. Failure to comply with this provision shall render such agreement, contract or other instrument void and persons transacting business with the city are given notice of such fact.

**304-23. Outside Attorney or Law Firm.** No attorney or law firm outside of the city attorney's permanent staff shall be retained by or on behalf of the city without first obtaining authorization therefor from the common council. Every such engagement shall be pursuant to a written agreement, the terms of which shall include a covenant prohibiting such outside attorney from undertaking representation of any person in connection with any claim, proceeding, lawsuit or other matter against the city during the period in which such outside attorney or law firm is engaged by or on behalf of the city.

**304-24. Contributions Received by the City.**

1. **DEFINITIONS.** In this section:

a. "Contribution" means a gift of cash or other assets from any person to the city or any city department or employee to be expended for a specified municipal purpose, activity or facility. A grant from a governmental, commercial or nonprofit entity shall not constitute a contribution.

b. "Person" means any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club or organization of any kind.

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### 2. GENERAL POLICY STATEMENT.

All contributions received will be combined with other city deposits, and interest earnings on these funds will be included as general city revenue unless otherwise specified by the common council in its acceptance of a contribution. As required by the Wisconsin statutes, one-third of the interest earnings shall be deposited in the public debt amortization fund. Donors shall be notified of this statutory requirement.

### 3. SPECIAL PURPOSE ACCOUNT.

The annual city budget shall include a special purpose account known as the "contribution fund." An annual budget for this account shall be developed in accordance with ch. 65, Wis. Stats. No transfers shall be made from the contribution fund without prior approval of the common council.

### 4. DEPOSIT OF CONTRIBUTIONS.

All contributions to the city, city departments or city employees shall be either accepted or rejected by the common council. Accepted contributions shall be deposited in accordance with the following:

a. Contributions shall be deposited with the city treasurer in either a trust account established by the city comptroller or a revenue account established by the city comptroller. The trust account shall be part of the city's permanent improvement fund, as established by s. 304-28.

b. Contributions of cash or similar assets shall be forwarded within one working day of receipt to the city treasurer for deposit or safekeeping.

c. The decision to place a contribution in a trust account or a revenue account shall be made as follows:

c-1. The contribution shall be placed in a revenue account if it is intended for immediate expenditure by the donor, if the relevant department is willing to make a good faith effort to ensure expenditure in the current calendar year or in accordance with the carryover provisions of this section and if the donor is willing to make the contribution to the city with the knowledge that all unexpended funds will revert to the city's tax stabilization fund.

c-2. All other contributions shall be placed in a trust account.

### 5. APPROPRIATION AND EXPENDITURE OF CONTRIBUTION FUNDS.

a. The expenditure of a contribution which has been deposited in a revenue account or a trust account shall occur only after the common council provides the necessary budgetary and expenditure authority.

b. Upon adoption of a common council resolution authorizing appropriation of contribution funds to a department for expenditure, the city comptroller shall establish a special account in the department's budget to account for the expenditure of the funds. In addition, the city comptroller shall transfer appropriations consistent with the authorizing resolution.

c. The balance in each special contribution account shall be fully encumbered by the administering city department as soon as administratively feasible. The encumbrance shall be periodically reviewed as required by the city comptroller.

d. Expenditure of contribution funds must be for the purpose or purposes specified by the donor. Expenditure for a different purpose shall require approval of the donor and acceptance by the common council, relevant common council committee or the department of administration-budget and policy division, as appropriate.

e. The administering department shall be responsible for reporting to the common council on the expenditure of contributions.

f. Expenditures are to be in accordance with prescribed city policies and procedures.

6. CARRYOVER. The year-end balance in each special contribution account that has not yet been fully expended shall revert to the tax stabilization fund unless the balance is appropriated to a department and carried forward to the next budget year. The carrying over of unexpended funds in a department budget shall be limited to 3 years from the year in which the funds were appropriated from the contribution fund. The administering city department or agency is responsible for notifying the city comptroller if a carryover of funds is required.

7. DOCUMENTATION. a. When contributions are deposited in a trust account, the affected department shall prepare a plan for expenditure of the funds within one year of their receipt. This plan shall be submitted to the department of administration-budget and policy division, with a copy provided to the city comptroller.

b. Documentation relating to restrictions specified by the donor or donors of a contribution, such as a will, letter of intent or similar document, shall be included in the common council resolution accepting the contribution or made part of the file as it becomes available.

**304-27. Municipal Art Fund. 1. PUBLIC SUPPORT OF THE VISUAL ARTS.** It is the policy of the city that a portion of the appropriations for capital expenditures be set aside for the acquisition of works of art to be used for city buildings and public facilities in order to encourage an appreciation of the visual arts and the development of artists and craftsmen.

2. DEFINITIONS. a. "Appropriation" means an amount not to exceed one percent of the structure and building funds in the city's capital improvement projects which are authorized annually by the common council for expenditure.

b. "Artist" means a practitioner in the visual arts, generally recognized by critics and his or her peers as a professional who produces works of art.

c. "Board" means the Milwaukee arts board.

d. "Construction project" means any capital project paid wholly or in part by the city of Milwaukee to construct or remodel any building, decorative or commemorative structure, or major portion thereof, within the limits of the city of Milwaukee.

e. "Works of art" shall mean all forms of original creations of visual art, including:

e-1. Sculpture: in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, etc., in any material or combination of materials.

e-2. Painting: in all media, including portable and permanently affixed works, such as murals.

e-3. Graphic arts: printing and drawing.

e-4. Mosaics.

e-5. Photography.

e-6. Crafts: in clay, fiber and textiles, wood, metal, glass, plastics and other materials.

e-7. Calligraphy.

e-8. Mixed media: any combination of forms or media, including collage.

3. FUNDS FOR WORKS OF ART. a.

Estimate. All city departments shall include in those estimates of necessary construction expenditures and all requests for authorizations or appropriations for projects as defined an amount for works of art not to exceed one percent of the total cost of any such construction project as estimated in the capital improvements program for the year in which such estimate or request is made. If the source of funding or other appropriate law with respect to any particular project precludes art as an object of expenditure of funds, the amount of funds so restricted shall be excluded from the total project cost in making the aforesaid calculation.

b. Separate Account. All appropriations for works of art arising from the common council's authorization of those construction projects in the capital improvements program shall be so noted in the responsible agency's program and such appropriations shall be deposited in a separate capital revenue account known as the municipal arts fund which is herewith established by this section, together with such other funds as the common council may appropriate for works of art.

4. RESPONSIBILITIES OF THE BOARD. a. In addition to its duties and responsibilities as set forth in s. 320-12, the board shall:

a-1. Determine the allocation of money to be expended on the various works of art for construction projects.

a-2. Determine the method or methods of selection and commissioning of artists with respect to design, execution and placement of works of art for which appropriations have been made and pursuant to such method or methods, select and commission artists by contract for such purposes.

a-3. Require that any proposed work of art requiring extraordinary operational or maintenance expenses shall receive prior approval of the department involved.

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a-4. Request the common council to authorize payments for the design execution, and placement of works of art from appropriations made by the municipal arts fund.

b. The board shall assure, in the overall program, that reasonable diversity is attained in the selection of public art works as to the style, scale, media, and materials represented by such works of art.

c. The board shall promulgate such rules and regulations which shall be submitted to the common council for approval, as needed, to carry out its responsibilities.

### 304-28. Permanent Improvement Fund.

1. FUND CREATED. There is created a permanent improvement fund pursuant to s. 65.07(1), Wis. Stats. The fund may accumulate from year to year.

2. FUNDING SOURCES. The permanent improvement fund may be funded by tax levy, amounts appropriated by law and transferred to the fund by the comptroller and appropriations of the common council made from time to time.

3. WITHDRAWALS. Withdrawals in any one year shall be authorized by the common council and included in the adopted budget for that year along with other miscellaneous and surplus revenues.

4. EXPENDITURES. Withdrawals from the fund may be expended for any purpose for which money may be borrowed or bonds issued under ss. 67.04 and 67.12, Wis. Stats. Expenditures in any one year shall be authorized by the adopted city budget.

### 304-28.5. Environmental Testing and Remediation Subfund.

1. FUND CREATED. There is created an environmental testing and remediation subfund within the permanent improvement fund established and described in s. 304-28. Monies in this subfund shall be used only for the purposes hereinafter set forth.

#### 2. PURPOSES AND OBJECTIVES.

a. The environmental testing and remediation subfund shall be used for the purpose of funding environmental testing and, if necessary, subsequent remediation of tax delinquent properties suspected of being contaminated.

b. The subfund shall:

b-1. Be self-sustaining, to the maximum extent possible, through proceeds from the sale of remediated properties as hereinafter set forth, grants from governmental agencies, reimbursement from the state of Wisconsin's petroleum environmental cleanup fund act (PECFA) and other available funding sources.

b-2. Foster economic development by returning tax delinquent properties to the tax rolls and by deterring tax payment delinquency on other properties with possible environmental contamination.

b-3. Promote public health and safety by cleaning up properties with a high risk of catastrophe or with proximity to residential or commercial areas, high-capacity groundwater wells or surface water.

3. FUNDING SOURCES. a. Regular sources. The environmental testing and remediation subfund may be funded by one or more of the following:

a-1. Reimbursements received under PECFA.

a-2. Appropriations made by the common council from time to time, including direct appropriations and borrowing authority.

a-3. Special assessments levied upon potentially contaminated tax delinquent property to recover the costs of performing environmental testing on such property.

a-4. Proceeds from the sale of remediated, foreclosed properties to the extent that the proceeds exceed outstanding delinquent taxes and other charges due.

b. Supplemental Funds. Activities conducted by the subfund may be supplemented by community development block grants and other grants from federal or state agencies.



**4. FUND TRANSFERS.** a. Council Authorization. The specific level of subfund transfers for a particular fiscal year shall be authorized by common council resolution adopted in conjunction with the annual budgetary process. Each such resolution shall authorize and direct the comptroller to transfer an amount, up to the amount available in the subfund, to a miscellaneous revenue account. Expenditures of amounts transferred shall be authorized by a special purpose account and expended in accordance with the annual city budget.

b. Fund Carry-over. At the end of each fiscal year, the comptroller shall transfer all remaining and unexpended funds in the special purpose account to the subfund account for the following fiscal year.

**5. PROPERTIES TO BE TESTED AND/OR REMEDIATED.** At the beginning of each quarter, the common council shall approve, by resolution, the list of properties for which actions leading to environmental testing may be commenced during that quarter. The department of city development and the health department shall prepare such list and in doing so shall give consideration to the objectives enumerated in sub. 2. At the beginning of each quarter, the common council shall approve, by resolution, the list of properties which the department of city development and the health department recommend, based on acceptable testing results, be acquired through the foreclosure process, remediated and sold. A 3/4 vote of the common council shall be required for adoption of any resolution authorizing remediation of an environmentally contaminated property using funds from the environmental testing and remediation subfund.

**6. CONDITION OF SALE.** Notwithstanding the provisions of s. 304-49, whenever the city has performed environmental testing or remediation on a foreclosed property using funds from the environmental testing and remediation subfund, the city shall not sell such property to any non-governmental entity which is exempt from paying property taxes unless such entity agrees to make payments in lieu of taxes which are equal to the amount of taxes that would be paid if the property were taxable, subject to common council approval of the entity's agreement to make payments in lieu of taxes.

**7. MONITORING.** To monitor the cost recovery characteristics and overall effectiveness of the environmental testing and

remediation subfund, the department of city development shall prepare and present to the common council, at the beginning of the third quarter of each year, a report of the expenditures and revenues for each property which has been tested, acquired through the foreclosure process, remediated and/or sold during the preceding 4 quarters using funds from the environmental testing and remediation subfund.

**304-29. Tax Stabilization Fund. 1. FUND CREATED.** There is created a tax stabilization fund pursuant to the authority of s. 65.07-1-o, Wis. Stats., 1963, which shall constitute a separate fund to be used only for the purposes hereinafter set forth.

**2. PURPOSES AND OBJECTIVES.**

a. To assist in stabilizing the common council controlled tax rate of the city of Milwaukee within reasonable limits from year to year.

b. To protect the city and its citizens from fluctuations in the city property tax rate under common council control which can result from erratic variations in nonproperty tax revenues.

c. To improve the city's ability to plan and provide for its financial needs.

d. To better enable the city to comply with statutory limitations.

**3. FUNDING SOURCES.**

a. Unappropriated General Surplus from Prior Year. The unappropriated general surplus as of December 31, 1964, shall be transferred to the tax stabilization fund by the comptroller as of the effective date of this section.

b. Revenue Surplus. By April 15 of each year, beginning with the year 1966, the difference between estimated nonproperty tax revenues and the corresponding actual receipts for the prior year shall be transferred to the tax stabilization fund by the comptroller except for the internal service funds.

c. Appropriation Balances. By April 15 of each year, beginning with the year 1966, the difference between total adjusted operating budget appropriations and total expenditures, commitments, and reserves for the prior year shall be transferred to the tax stabilization fund by the comptroller except for the internal service funds.

d. Other General Surplus. By April 15 of each year, beginning with the year 1995, any general surplus balance as of December 31 of the prior year remaining, after steps in pars. b and c have been completed, shall first be

transferred by the comptroller to the permanent improvement fund to meet the city's legal obligation to reimburse the federal asset forfeiture trust fund for interest earned on deposits received. Such transfer of funds shall cease if applicable federal requirements shall no longer be in force. The remainder shall be transferred to the tax stabilization fund by the comptroller except for the internal service funds.

e. Tax Levy. When authorized and included in the adopted budget in accordance with ch. 65, Wis. Stats., 1963, the proceeds from such levy shall not be used during the budget year for which such levy is made.

f. Contributions Received for the Purpose of Tax Stabilization or Reduction.

g. Internal Service Funds; Retained Earnings. Commencing with the operations of 1981, the retained earnings of the internal service funds funded by the revenue surpluses and appropriation balances shall not exceed 5% of the budget for that year for that internal service fund. Any excess over 5% of the retained earnings shall revert to the tax stabilization fund. The comptroller shall submit an estimate covering items under pars. b, d, f and g to the mayor by June 1 of each year. Such estimate shall show the amounts that are anticipated to be transferred to the tax stabilization fund by April 15 of the next year. The estimate of par. b shall recognize estimated revenue offset by corresponding appropriations as explained in sub. 4-e-2. The comptroller may revise such estimate up to and including November 10.

4. FUND WITHDRAWALS. The amount that can be withdrawn from the fund in any one year shall be controlled by the following factors:

a. To Stabilize Tax Rate. a-1. The tax stabilization fund may be used to prevent an increase of more than 3% in the common council controlled tax rate (based on assessed valuation). Such withdrawal for this specific purpose shall be deemed authorized only if it is included in the adopted budget and is anticipated to be available in the tax stabilization fund as of April 15 of the year covered by such adopted budget. Any part of the anticipated April 15 balance may be used for this purpose except for that portion of the balance reserved under sub. 3-e.

a-2. In the event of a change in total assessed valuation resulting from a city-wide revaluation or level of assessment change, the 3% factor shall apply to the tax rate resulting

from the use of equalized valuation (as determined by the state) rather than assessed valuation.

b. Statutory Requirements. The tax stabilization fund may be used to enable the city to comply with statutory requirements in ch. 65, Wis. Stats., 1963, notwithstanding the provisions of par. a. Such withdrawal for this specific purpose shall be deemed authorized only if it is included in the adopted budget and is anticipated to be available in the tax stabilization fund as of April 15 of the year covered by such adopted budget. Any part of the April 15 balance may be used for this purpose.

c. Compliance. Notwithstanding the provisions of pars. b and c, the tax stabilization fund may be used to stabilize the common council controlled tax rate beyond the limits covered by pars. a and b but only when all of the following conditions are met:

c-1. No more than 50% of the balance anticipated to be available for withdrawal from the fund as of April 15 of the year covered by the adopted budget, uncommitted for the purposes under pars. a and b or reserved under sub. 3-e can be authorized for withdrawal for this purpose in next year's budget.

c-2. A resolution authorizing such withdrawal is adopted by at least a 3/4 vote of the members of the common council at the time of the vote.

c-3. Such withdrawal is authorized and included in the adopted budget.

d. Budget Requirements. d-1. The amount authorized for withdrawal from the tax stabilization fund shall be included in the city budget as an income item, in addition to revenues estimated for state aids and shared taxes, licenses, permits, fines, fees and penalties, departmental earnings, commercial earnings and miscellaneous revenues, and shall be used as an offset to the property tax levy.

d-2. It shall be shown in the budget in the following manner: "Withdrawal from the tax stabilization fund \$\_\_\_\_\_".

d-3. The amount included for this purpose may be changed by the common council under the provisions of this subsection, up to and including the final budget adoption date set by ch. 65, Wis. Stats., 1963.

e. Not for Deficit Purposes. e-1. The tax stabilization fund shall not be used for the purpose of offsetting any deficit that may occur between total estimated and total actual

nonproperty tax revenue or between total appropriations and total expenditures. Such an eventuality, if it develops shall be resolved by emergency borrowing if deemed necessary by the common council.

e-2. The only exception to this prohibition shall be that estimated revenues earmarked for a specific purpose and offset by a corresponding appropriation, such as the funding of grant and aid projects in accordance with common council File #66-1893-a, adopted November 29, 1966, shall be separately considered in context with actual revenue received, appropriations and actual expenditures for this specific purpose, and the net surplus or deficit can be transferred to the tax stabilization fund by the comptroller. Such earmarked revenues shall not be included in determining the deficit referred to in subd. 1.

f. For Temporary Inventory Reserves, Etc. The comptroller is authorized to make withdrawals from the tax stabilization fund to temporarily adjust inventory reserves in recognition of temporary increases in inventory levels in accordance with accepted accounting principles and prudent financial management practices. When such reserves exceed amounts reasonable and properly necessary, the excess shall be returned to the tax stabilization fund. The comptroller shall provide the common council with a separate report for adjustments made under this paragraph.

g. Authority. Withdrawal from the tax stabilization fund for any other purposes than the purposes outlined above shall not be authorized.

h. Surplus Estimates. Beginning with the budget prepared for the year 1966, no monetary amount shall be shown in the budget for the classification "surplus" in revenue estimates required by ch. 65.02(7), Wis. Stats., 1963.

5. **MAXIMUM CEILING ON FUND.** Any uncommitted balance in the fund as of June 1 of the current year that is in excess of 5% of the current year, total common council controlled budget shall be applied to tax reduction for the following year notwithstanding any other provisions of this section.

**304-30. Delinquent Tax Fund.** 1. **FUND CREATED.** There is created a fund authorized by s. 65.07(1)(i), Wis. Stats., to be known as the delinquent tax fund. Such fund shall be a reserve against uncollected delinquent real estate and personal property taxes. Neither the fund nor appropriations from the fund shall

increase expenditures authorized under s. 18-06, charter.

2. **SOURCE OF REVENUE.** The fund shall have the following sources of revenue:

a. Taxes levied for purpose of the fund.

b. Proceeds of general obligation promissory notes issued for delinquent taxes.

c. Delinquent real and personal property tax revenues collected after the last day of the year in which such taxes were levied. Such taxes are specifically appropriated to the fund and pledged to the payment of debt service on outstanding general obligation promissory notes issued for delinquent taxes.

d. Such other amounts as may be appropriated to the fund by the common council from time to time.

3. **APPROPRIATIONS.** Fund revenues are appropriated on an annual basis in the following order of priority:

a. To the general fund to reimburse for uncollected delinquent real and personal property taxes as of the close of business on the last day of the year.

b. To the debt service fund to provide for annual debt service on general obligation promissory notes issued for delinquent taxes.

4. **ADMINISTRATION.** The city comptroller is authorized and directed to make fund transfers in accordance with appropriations made by this section. It is the instruction of the common council that the fund cash balance be closed out annually. The city comptroller is authorized and directed to prescribe accounting for the fund.

**304-31. Board of Review; Fee For Certain Assessment Valuation Objections.** Ten dollars is determined to be the fee payable to the city of Milwaukee in all instances where the provisions of s. 70.47 (16)(b), Wis. Stats., as amended, are applicable to objections filed to assessment valuations on real property for ad valorem tax purposes.

**304-33. Payment of Taxes to County.** The city of Milwaukee does in accordance with s. 70.67(2), Wis. Stats. 1961, obligate itself to pay in case the city treasurer fails so to do all taxes of any kind required to be paid by such treasurer to the county treasurer.

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**304-35. Fees for Duplicate Tax Bills.** The city treasurer is authorized to issue duplicate tax bills upon payment of the fee required in s. 81-122, except for current tax bills during the current tax collection period for which this charge shall not apply.

**304-37. Bad Check Charges.** There may be a processing charge for any check or order issued to the city of Milwaukee or any department thereof and returned unpaid by a bank due to insufficient funds or due to any other reason. Bad check charges shall be paid into the city treasury and credited to the general city fund. (See s. 81-19.5)

**304-38. City Penalty on Delinquent Taxes.** In accordance with s. 74.47(2)(a), Wis. Stats., the common council imposes a penalty of 0.5% per month, or fraction of a month, on any delinquent general property taxes, special assessments, special charges and special taxes included in the tax roll. This penalty is in addition to the interest under s. 74.47(1) Wis. Stats., and also in addition to any penalty that Milwaukee county imposes under s. 74.47(2)(a), Wis. Stats. In accordance with s. 74.47(2)(b), Wis. Stats., this section shall be effective February 1, 2004, and the penalty hereunder shall then and thereafter apply to any general property taxes, special assessments, special charges and special taxes that are delinquent on or after February 1, 2004.

**304-39. Deferred Foreclosure on Tax Liens.**

1. The city treasurer shall, under s. 75.521, Wis. Stats., defer the foreclosure on tax liens for one and 2-family owner-occupied dwellings for a period of 2 years from the date the tax lien is originally filed, provided sufficient evidence is presented to the city treasurer to justify the deferral.

2. Each applicant for a deferred foreclosure shall submit an application form supplied by the city treasurer before a determination on the deferral shall be made.

3. If the owner ceases to occupy the dwelling during the deferral period, the city treasurer shall foreclose the tax lien on the dwelling immediately.

**304-41. City to be Exclusive Buyer of Lands Sold for Taxes.** Beginning with the August 1941 city tax sale the city treasurer is authorized and directed to bid in and become the exclusive purchaser of all lands sold for

taxes, except such as to which s. 75.67, Wis. Stats., is applicable, for the amount of taxes, interest and charges remaining unpaid thereon, and all such lands shall be struck off to the city of Milwaukee and thereupon the city shall receive in its corporate name a certificate of sale therefor, and shall be vested with the same rights as other purchasers.

**304-43. Unredeemed Prior Tax Sale Certificates.** The city treasurer shall sell and transfer by assignment any tax sale certificate held by the city to any person holding unredeemed prior tax sale certificates upon the same land; provided, he offers to purchase the city owned certificates for the amount for which the land described therein was sold, with interest thereon at the rate specified in the certificates, but every such sale shall include all the tax sale certificates in the hands of the treasurer on the same lands.

**304-45. Authority of City Treasurer.** The city treasurer shall be in charge of delinquent tax enforcement, of the proper drafting of notices of application for tax deeds upon tax sale certificates owned by the city of Milwaukee, obtain the execution thereof by the city clerk and the services thereof, and shall perform such acts as may be required so that the city treasurer, or the county clerk as to city-owned county tax sale certificates, as the case may be, can issue tax deeds. After any tax deed has been issued it shall, with the file pertaining thereto, be submitted to the city attorney for such action thereon as he may deem is required.

**304-47. Tax Deed Property; Legal Action.**

Whenever a tax deed shall be issued to the city of Milwaukee as grantee, it shall be the duty of the city attorney, upon request of the city treasurer, to commence and prosecute an action to bar the former owners, and thereafter to furnish to the city comptroller a certified copy of the judgment entered in such action, together with the deeds or disclaimers from persons formerly interested in such property, and to notify the city treasurer and city real estate agent of the entry of such judgment. Upon receipt of such certified copy of judgment and quit claim deeds, it shall be the duty of the city comptroller to transmit the same to the register of deeds for recording.

**304-48. In Personam Actions for Delinquent Real Estate Taxes and Other Charges.** In accordance with s. 74.53(5), Wis. Stats., the common council waives the duty to specifically approve each in personam action that the city may bring under s. 74.53, Wis. Stats., and waives its duty to send notice to each person against whom such actions may be commenced.

**1. PURPOSE.** As authorized under s. 74.53, Wis. Stats., this section allows the city to bring in personam actions (actions against the person, not the property) for delinquent real estate taxes, special charges, special assessments and special taxes.

**2. DECISION TO BRING ACTION.** The city attorney shall review the city treasurer's records regarding delinquencies and determine in his or her discretion whether to commence an in personam action against the parcel owner.

**3. LETTER OF NOTICE.** The city attorney shall report to the treasurer those parcels where the city attorney in his or her discretion deems that an in personam action is advisable. The city attorney (or his or her collection agent) shall send written notice to the owner or owners of parcels selected as defendants that a decision has been made to commence an in personam action against him or her. The notice shall indicate that if full payment of the amounts recoverable under s. 74.53, Wis. Stats., including interest and penalties is received within 4 weeks from the date of the notice, the action will not be commenced. The notice shall be mailed to the owner at his or her last known address. An affidavit of the city attorney (or his or her collection agent) setting forth the names of the owners for whom an address has been ascertained, giving the addresses and stating that notice was mailed, giving the date of mailing, and stating that no present address was ascertainable for the other owners, shall constitute full compliance with this subsection..

**4. COMMENCEMENT OF ACTION.** If the owner fails to make full and timely payment as requested in the notice, the city may commence the in personam action.

**5. RECEIVER.** Upon commencement of any in personam action, the city may request that a receiver be appointed in accordance with s. 74.53(7), Wis. Stats.

**304-49. Disposal of City Real Estate Property.**

**1. REPORT TO COUNCIL.**

Whenever the city acquires real property through the in rem tax foreclosure procedures set forth in s. 75.521, Wis. Stats., or whenever real property becomes surplus to the needs of any city department, board or commission, the location of all such buildable vacant property, of at least 60 foot frontage or a minimum of 7200 sq. ft., or of such property on which there are usable buildings, excluding garages, shall be reported to the common council. The common council shall then direct that the city plan commission determine the existence of any present or future use of said property by the city or by any other public or quasi-public board or agency, including the housing authority of the city of Milwaukee and the redevelopment authority of the city of Milwaukee. If said property is determined, as a result of a public hearing by the common council to be surplus and no longer needed for municipal and/or quasi-public purposes, the common council as part of said determination, and with recommendations from the department of city development shall make the determination as to the use and/or method of disposition of all such properties.

**2. UTILIZATION OF PROPERTY.** If the council determines that the property in question can be utilized for a special use and/or special purpose as hereinafter defined, the common council shall then direct the disposition of said property by lease, sale or transfer pursuant to an intergovernmental cooperation agreement in the following manner:

a. Direct the real estate officer to negotiate a sale to a certain entity, which qualifies as a special use, at a fixed price.

b. Direct the real estate officer to advertise, pursuant to the procedure for advertising in sub. 6, for a special use at a fixed price.

c. Direct the real estate officer to advertise pursuant to the procedure for advertising in sub. 6, for a special purpose at a fixed price.

d. Direct the real estate officer to negotiate transfer of ownership to the housing authority of the city of Milwaukee pursuant to an intergovernmental cooperation agreement, for rehabilitation and management as a low income housing project as defined by current federal regulations and state law, pursuant to sub. 3.5.

**3. SPECIAL USE OF PROPERTY.**

Special use of property is defined as use by a public, quasi-public or nonprofit private board or agency, including the housing authority of the city of Milwaukee and the redevelopment authority of the city of Milwaukee, for civic, charitable, or social purposes, including use by housing cooperatives and nonprofit, community-based organizations for the purpose of providing affordable housing for low and moderate income families including resale to home-owner occupants. Use of property for a special purpose is defined as a definite land use unique to the given property itself.

**3.5. LOW INCOME RENTAL HOUSING.** To provide affordable rental housing for low income persons and families, the city shall transfer ownership to the housing authority pursuant to an intergovernmental cooperation agreement of up to 50 habitable tax deed properties annually, as may be available, for rehabilitation and rental management.

a. The intergovernmental cooperation agreement shall, to the extent legally permissible and if agreed to by the housing authority, encourage the use of rehabilitation contractors who are city residents, with the majority of labor hours of contracted work to be performed by city residents and/or current public housing tenants. Rehabilitation of any such property shall be completed within one year of transfer to the housing authority.

b. All other possible sources of funding, both public and private or combinations thereof, including but not limited to HACM bonds, RACM bonds, WHEDA, HUD, state division of housing, private contributions and tax credits, for such rehabilitation work and management operations shall be sought before use of general city revenues.

**4. RAZING OF PROPERTY.** A building is not a usable building if the commissioner of neighborhood services has issued a simple raze and remove order pursuant to s. 218-4. A building may be a usable building if the commissioner has issued a raze or rehabilitate order pursuant to s. 218-4.

**5. ECONOMIC VALUE.** In determining whether or not the property should be devoted to any special purpose or special use, the common council shall consider the economic value of the property to the city, the

manner in which the proposed use of the property would advance the public good and the financial ability of any public or private agency or organization to maintain or properly utilize the property.

**6. SOLICITATION OF BIDS.**

a. If the common council determines that there is no special use or special purpose for the property, the following bid solicitation procedure shall be used:

a-1. The real estate officer shall prepare a notice which may be mailed to each resident of the circular area having a radius of 500 feet, centered on the property, by the common council member in whose district the property is located informing the resident that the city is soliciting offers to purchase the property. In deciding whether to mail notices the common council member shall consider such factors as the desirability of demolishing the structure on the property, the likelihood that a neighbor will purchase the property and the desirability of having an owner-occupant purchase the property. Each bid solicitation notice shall state that if the resident is interested in purchasing the property, the resident should submit an offer to the real estate officer, through a broker, as provided in sub. 11, by 10:00 a.m. on the 30th day after the date of notice. If the 30th day falls on a weekend or holiday, the deadline for submitting an offer shall be the next business day.

a-2. If no acceptable offers are received within 30 days of the date the notices were sent out, the real estate officer shall advertise the property for a minimum of 2 consecutive Sundays in a newspaper of general circulation. The advertisement shall state such pertinent facts regarding the city-owned property as are necessary to enable interested persons to bid on the property. It shall also set forth the time and place at which the real estate officer will publicly open and declare the bids.

a-3. When specifically required by the common council, advertisements shall state that minimum bids for properties acquired through tax foreclosure to which were attached deferred special assessment liens, as referred to in s. 115-44, shall be equal to the amounts of said special assessment liens.

a-4. All bids, other than those submitted pursuant to subd. 1, shall be sealed

and directed to the real estate officer on forms furnished by the real estate officer and will be publicly opened and declared by the real estate officer at the time and place set forth in the advertisement. At least 7 days shall elapse between the last advertisement and the opening of the bids. The real estate officer shall prepare a report on the bids received and submit it to the common council.

a-5. The common council shall, upon receipt of the real estate officer's bid report, refer the same to the city plan commission for recommendation. After receiving the report of the city plan commission, the common council shall, except in the case of bids solicited under sub. 2-b and c, either accept the highest offer based upon the gross consideration to be received by the city or reject all the offers.

a-6. A bank draft, certified check, bank or postal money order, or irrevocable letter of credit payable to the city of Milwaukee in an amount equal to but not less than 10% of the bid price must accompany any bid. All offers accepted by the council shall be closed within 90 days unless otherwise extended in writing by the real estate officer. In instances where no extensions of an offer are provided and the bidder refuses to accept conveyance within 90 days, and no closings occur, the offer shall automatically be cancelled and the deposits forfeited.

a-7. As an alternative to the procedure set forth in subds. 2 to 6, the real estate officer may negotiate for marketing of the property through the open listing method, as provided in sub. 10.

b. In order to provide for the orderly maintenance and development of property and the preservation of the city tax base, bids or offers shall not be accepted from former owners, or persons having had an interest in the real estate whose interest has been foreclosed under s. 75.521, Wis. Stats., as amended, or from persons owning real estate in the city wherein the city has obtained tax sales certificates resulting from real estate taxes having become delinquent and which tax sales certificates are of record in the city treasurer's office at the time of the submission of a bid or offer, or persons who have been convicted within the 12 months preceding the bid opening of failure to comply with an order of the commissioner of neighborhood services to correct building code violations.

c. Where the city has obtained an in rem judgment pursuant to s. 75.521, Wis. Stats., the city attorney's office shall be directed to petition the court on an ex parte basis to reopen and vacate the city's judgment only where the following requirements have been complied with:

c-1. The former owner of record or any person having an interest of record has submitted a written request to the city treasurer on a form provided by the city treasurer to have the in rem judgment vacated. No written request to proceed under this paragraph may be submitted for consideration to the common council where more than 45 days has elapsed from the date of entry of the in rem judgment to the date of receipt of the request by the city treasurer or where the requester did not have any interest of record in the property.

c-2. The written request must identify the property address, the property's tax key number, the name and mailing address of the applicant, and the applicant's interest in the property. It must also include a list of all other real property in the city in which the former owner has an ownership interest.

c-3. Prior to submittal of the written request to the city treasurer, the requester shall have paid to the city treasurer in cash or by cashier's check deposits of administrative costs of the various city departments. The requester, if the former owner of record, shall also have filed an application to record the subject property and any other unrecorded properties with the department of neighborhood services, as required in s. 200-51.5.

c-4. The former owner of record or person having an interest of record may request not more than once to have the in rem judgment vacated on the subject property.

c-5. The city treasurer shall date stamp, upon receipt, all written requests to proceed under this paragraph and then forward all requests which are timely received to the city clerk along with a written report which indicates: the amount of unpaid taxes, charges, interest and penalties due on the subject properties; whether the administrative and overhead costs of the various city departments have been paid; and the status of tax payments for all other properties located in the city in which the former property owners have an ownership interest and which identifies

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any other costs incurred or to be incurred by it with respect to the properties. The city clerk shall, upon receipt of the completed written request forms and the written report from the city treasurer, introduce a common council file no later than the next regular meeting and notify the city attorney's office, city treasurer's office, department of city development, the department of neighborhood services and the health department in writing at the time of such introduction that a request has been made to proceed under this paragraph. Those departments from which reports are due hereunder shall provide those reports to the city clerk within 15 working days. An extension of said 15 day period may be granted by the city clerk upon receipt of a written request submitted by the reporting department.

c-6. The department of neighborhood services has submitted a written report to the city clerk verifying whether any of the properties is subject to raze orders issued pursuant to s. 218-4, indicating what if any orders to correct condition of premises have been issued by the department, and listing total costs incurred or to be incurred by it with respect to each property.

c-7. The department of city development has submitted a report to the city clerk which indicates: whether any of the properties is located in an existing or planned project area; whether any is suitable for any public program or use; whether any is vacant or occupied; and which lists total costs incurred or to be incurred by it with respect to each property, including but not limited to: repair costs; razing charges; expenses associated with environmental matters; and property management fees.

c-8. The health department or the department of neighborhood services has submitted a written report to the city clerk verifying whether any of the properties is subject to a nuisance notice issued by the department, and which lists total costs incurred or to be incurred by it with respect to each property.

c-9. Upon receipt of all of the required reports, the city clerk shall submit a coordinated report to the appropriate standing committee of the common council, and the common council shall make the final determination whether any of the properties should be returned to their former owners. The coordinated report shall

include, on a per property basis, the total costs and expenses reported by each of the reporting departments, as well as total costs and expenses reported to the city clerk by any other city department or agency concerning the properties.

c-10. If vacation of the city's foreclosure judgement is approved by the council, then the requester shall, within 45 days of the date of the resolution of the common council approving the vacation of the judgement and the return of the subject property to the former owner, pay to the city treasurer by cash or cashier's check, the city's total costs associated with the property, which shall include: costs reported to the common council; all costs incurred by the city with respect to the property through the date of vacation of the city's judgement; all city and county taxes, assessments and charges including interest and penalties through the date of said vacation; and all administrative and overhead costs, including but not limited to, administrative and overhead costs incurred by the reporting departments beyond those costs already paid under subd. 3. Said amount shall be the amount needed to redeem the property and may be ascertained by the requester contacting the treasurer's office.

c-11. Any rental income collected by the city shall be applied against the total amount due to the city for the redemption of the property.

c-12. If the requester withdraws the request after submitting it to the city treasurer or if the request is denied, the city may retain all or a portion, as the city determines, of the administrative fees paid under subd. 3 to defray the city's cost of processing the request.

c-13. If the requester fails to make full payment of the total amount due the city within 45 days of the date of the resolution approving return of the subject property, all deposits made by the requester shall be forfeited, and the council's approval of the return of the property shall be null and void.

c-14. If each of the requirements of subds. 1 to 13 has been satisfied, the city attorney's office shall petition the court on an ex parte basis to reopen and vacate the city's judgement with respect to the subject property (on a nunc pro tunc basis to the date of the filing of the petition for foreclosure) so that title



to the same may be restored to the former owner, and the city attorney's office shall cause the order from the court so vacating the judgment nunc pro tunc to be filed with the register of deeds office in Milwaukee county.

**7. ADJACENT OWNERS.** It is provided further that notwithstanding the duties of the real estate officer as described in sub. 6, in those instances when an owner has property lying adjacent to vacant city-owned property having less than 60 feet of frontage or less than 7,200 square feet, or unbuildable vacant frontage of 60 feet or more owned and for sale by the city, or in cases where vacant buildable property has been offered for sale but no bids received and no directive from council to readvertise said property has been given, the real estate officer may accept offers to purchase said city-owned vacant property from said adjacent owner without competitive bidding with the stipulation that the land sold be permanently attached to the purchaser's land and that no additional principle building may be erected thereon. In those cases where the adjacent owner is unwilling to purchase said property, the real estate officer may accept offers to purchase said city-owned vacant property without competitive bidding with the stipulation that the land sold is utilized for a purpose consistent with local zoning and codes. The common council may accept said offers, provided that the sale of said property and the sale's price is considered by the city plan commission.

**7.5. LOTSWITHINTERCONNECTING PUBLIC UTILITIES.** It is provided further that notwithstanding the duties of the real estate officer under sub. 6, when an improved city-owned property of less than 5,000 square feet with a residential dwelling abuts a privately owned lot with a residential dwelling, and either lot receives, by actual knowledge or written notice, sewer, water or gas services from lines extending through the abutting lot, the real estate officer may accept offers to purchase the city-owned property from the abutting owner without competitive bidding with the stipulation that the property be permanently attached to the purchaser's property. The common council may accept such offers, provided that the sale of the improved city-owned property and the sales price is considered by the city plan commission. In those cases where the abutting owner is unwilling to purchase the city-owned property, the real estate officer may accept offers under sub. 6.

**8. CODE COMPLIANCE REQUIRED.** As a provision of any sale of surplus, city-owned real estate which occurs pursuant to this section, the purchaser shall make such property code compliant as required by the department of neighborhood services. Failure to make the property code compliant may result in reversion of title to the city, in addition to any penalties that may be imposed by the department of neighborhood services.

**9. WHEN NO OFFERS OR BIDS.** Whenever a surplus property containing a usable building has been advertised in accordance with the procedures set forth in sub. 6-a-1 and 2, and no offers or bids for such property were received, the real estate officer shall, unless otherwise directed by the council, request the department of neighborhood services to raze the building.

**10. GARAGE BUILDINGS.** In all cases where the city received property on which only a garage exists, the real estate officer may negotiate a sale with the adjoining property owners. If the adjacent property owners are not interested, the garage shall be razed and the vacant land treated in accordance with this section.

**11. MARKETING OF CERTAIN PROPERTIES.** Notwithstanding the duties of the real estate officer under sub. 6, the commissioner of the department of city development may, at his or her discretion, negotiate with real estate brokers and salespersons licensed by the state of Wisconsin in accordance with ch. 452, Wis. Stats., for the marketing of certain city properties.

a. The commissioner shall establish the asking price for the sale of such properties and utilize an open listing method whereby real estate brokers and salespersons licensed by the state of Wisconsin in accordance with ch. 452, Wis. Stats., may tender an offer to purchase on behalf of a buyer.

b. The commission for such sales shall be 6% of the sale price but not less than \$750.

c. In addition to the commission specified in par. b, any real estate broker or salesperson licensed by the state of Wisconsin in accordance with ch. 452, Wis. Stats., who tenders an offer to purchase which is accepted by the city shall receive a bonus commission payment of \$500 whenever the property being sold will be owner-occupied following closing of the sale.

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**12. SIGNATURE ON DEED.** The commissioner of city development or the commissioner's designee is authorized to sign, on behalf of the city, any deed executing the sale of surplus, city-owned property pursuant to this section.

**13. FILING OF DEEDS.** a. All deeds conveying surplus, city-owned property pursuant to this section shall be filed within 7 business days of closing.

b. All deeds related to the sale or transfer of city property shall be filed by the department designated as the custodian of that property. This authority may only be delegated to a title insurance company, the buyer's lending institution or attorney or the city attorney, provided the delegate agrees to meet the filing requirement. The cost of filing shall be charged to the buyer at the time of closing.

**14. SALE PROCEEDS.** The proceeds received from the sale of city-owned real estate acquired through the in rem tax foreclosure procedures, other than disposition of appropriation of such property and all rentals received from the use of such property, shall be credited to the reserve for tax deficit fund or to the fund to which property is or was considered an asset.

**15. SURPLUS REAL ESTATE.** This section shall not apply to real estate which when acquired or declared surplus by the city is located within the boundaries of an approved urban renewal plan which is on file. In all such cases, the real estate officer shall prepare the necessary resolution to immediately transfer title of said property to the redevelopment authority.

**16. OTHER PROPERTY.** This section shall not apply to real estate acquired by the city under ss. 66.1101 and 66.1103, Wis. Stats., or to any real property to which the city obtains title by virtue of the foreclosure of a mortgage of other security interest.

**17. CONVEYANCE OF PROPERTY TO DESIGNATED ENTITIES.** The city of Milwaukee adopts ss. 62.22(1) and 62.23(17), Wis. Stats., pursuant to the common council's authority under s. 62.03(2), Wis. Stats. Pursuant to these provisions and the provisions of s. 62.11(5), Wis. Stats., and the provisions of s. 4-10 of the city charter, and notwithstanding the provisions of subs. 1 to 16 and s. 308-23, whenever the common council determines that city-owned real estate,

acquired by any means, is surplus to the needs of any city department, board or commission, the common council may, by duly adopted resolution, direct the appropriate city officers to convey such property, by lease, deed or other appropriate form of conveyance, to a designated entity for adequate fair market consideration which may be monetary or non-monetary in form.

**304-51. Rejection of Purchase Offer; Bids.** Whenever, before the adoption of a resolution accepting an offer, not received as a result of advertisement for bids under s. 304-49 to purchase city-owned improved property, tax deed or otherwise, not within the terms of an approved list, it is made known reliably in writing to the committee, to which the offer was referred, that another person is ready, able and willing to make a higher or better offer for the property, said offer shall be rejected by resolution of the common council; thereupon, the city real estate agent shall inform the offerer thereof and shall proceed as under s. 304-49 to advertise for bids in such newspapers published or having a general circulation in the city as he may deem advisable; and the proceedings thereafter shall be as provided by s. 304-49 in case of advertisement for bids.

**304-53. City Treasurer to Acquire Tax Certificates.** Upon receipt of notification of entry of judgment declaring the city to be the owner in fee simple under tax deed:

**1. TO CANCEL CERTIFICATES, ETC.** It shall be the duty of the city treasurer to cancel all tax certificates held by the city against the property described in such deed and to charge the amount thereof to a special account to be made and kept of the "tax certificates of the year \_\_\_\_\_ on property acquired by tax deed" and to credit the amount of such charge to the account kept of the tax certificates in force for such year, so as to segregate the cancelled certificates from the record of certificates in force; and

**2. TO PAY COUNTY TAXES, ETC.** It shall be the duty of the city treasurer, or of any department cooperating with him in the enforcement of delinquent tax certificates, to pay out of any funds theretofore appropriated for such purpose all outstanding county taxes, or redeem outstanding county tax certificates

on the property so acquired not theretofore paid or redeemed in connection with the taking of the tax deeds, and the officer or department making such payment shall notify the city real estate agent of the amount thereof.

**304-55. Examination of Tax Sale Property.**

The commissioner of the department of city development, subject to any resolutions which may be adopted by the common council, shall, from lists furnished by the city treasurer, examine from time to time the improvements upon land as to which the city is owner of tax sale certificates, and report such conditions as may be considered by the commissioner to be unusual, to the city treasurer.

**304-57. Tax Deed Property Reserve Deficit Fund.**

**1. TAXES AND EXPENSES.** Whenever a parcel of land acquired by tax deed is subsequently sold by the city, the city comptroller shall first deduct from the said proceeds the fair amount of the cost of acquisition of said tax title, including the costs, disbursements, advertising and all other expenses including expense of drawing and serving papers, commencing suits, entering judgment and an amount equal to the apportioned cost to be determined by the city comptroller of prosecuting such actions, including costs of supplies and clerical support. Said sums shall be credited to the funds as provided in s. 304-63. From the remaining proceeds, the city comptroller shall deduct the statutory share to which a former owner may be entitled, and make disbursements as determined pursuant to s. 75.36(2m)(3), Wis. Stats. The city comptroller, with the advice of the city attorney, shall deposit the balance, if any, in the tax deed property reserve deficit fund to reimburse that fund for the amount of uncollectible tax that has been charged against said parcel of land.

**2. ROTARY LEGAL FUND.** A rotary legal fund to be administered by the city attorney is established to be known as the delinquent tax litigation fund to defray the cost and expense of all litigation for the acquisition of tax titles by the city growing out of uncollectible taxes.

**3. STENOGRAPHIC HELP.** The city attorney is authorized to appoint and employ stenographers from the civil service list as in his judgment may be necessary to carry out the purposes outlined in this section.

**4. AMOUNT IN ROTARY FUND.**

This fund shall be kept at \$2,500 and shall be set up by an initial withdrawal of said amount from the reserve for tax deficit fund as at present constituted and subsequent withdrawals from said fund to replenish said rotary fund to said amount.

**304-59. Repairs on Tax Deed Property.**

The commissioner of the department of city development, subject to any resolutions which may be adopted by the common council, shall attend to the operation, maintenance and repair of improvements upon land acquired by tax deed by the city in order that the premises may be rented and kept rented until sold, otherwise disposed of or appropriated. Repairs to such improvements shall be made by city employees wherever possible. No repairs shall be made in cases where the estimated cost thereof, obtained by the commissioner, exceeds the sum of \$1,000, but such cases shall be submitted to the common council for its direction except in the event that emergency repairs are required to protect and/or preserve the health and safety of tenants and/or other citizens and such repairs cannot be delayed for a reasonable period of time. In such event, the commissioner is authorized to incur reasonable costs as required by the specific situation to resolve the immediate problem. No expenditure for such operation and maintenance and no requisition, to be made by the commissioner for materials and labor, supplies, fuel and equipment in connection with such operation and maintenance to be obtained through the central board of purchases, shall at any one time exceed the sum of \$1,000, but any expenditure or requisition which will exceed such sum shall, before any liability therefor is incurred, be submitted to the common council for its direction except in the event that emergency repairs are required to protect and/or preserve the health and safety of tenants and/or other citizens and such repairs cannot be delayed for a reasonable period of time. In such event the commissioner is authorized to incur reasonable costs as required by the specific situation to resolve the immediate problem.

**304-61. Insurance for Costly Improvements.**

Whenever improvements upon such land are of the appraised value of \$1,000 or more, the commissioner of the department of city development shall, pursuant to provisions of

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the charter, if any, as may be applicable, cause such improvements to be insured until the same are sold or otherwise disposed of as to such losses and liabilities as are included in connection with public buildings of the city and in the same manner, so far as applicable.

#### **304-63. Rotary Tax Deed Improvement Fund.**

There is established out of the reserve fund for tax deficit fund a rotary tax deed improvement fund which shall be kept at \$500 and shall be set up by an initial withdrawal of such amount from the reserve for tax deficit fund as at present constituted and by subsequent withdrawals from said fund to replenish said rotary fund to such amount. Payment for such repairs and operation and maintenance, except as herein otherwise provided, shall be made upon vouchers of the commissioner of the department of city development in all cases where the expenditure for repairs is to be \$200 or less, for operation and maintenance is to be \$200 or less, at any one time, and where more, by directions of the common council. Payment for such insurance shall be made out of such rotary fund upon voucher of the commissioner. Payment for such materials, labor, supplies, fuel and equipment shall be made out of said fund upon voucher of the central board of purchases where the expenditure at any one time is to be \$200 or less and where more, by directions of the common council.

**304-65. Requirements for Bonds.** Whenever bonds are authorized to be issued by any ordinance of the common council under the authority of ch. 67, Wis. Stats., as amended, the commissioners of the public debt shall procure in proper time the requisite number of forms for the same by means of competitive bidding limited to recognized and responsible bank note companies through the central board of purchases in accordance with s. 16-05, charter. Such forms shall show on their face all the statements required to be shown on the face of such bonds by ch. 67, Wis. Stats., as amended, and by ss. 15-04 and 15-06 of the city charter. Each of such forms shall show the amount of the principal of the bonds for which the same is to be issued, the rate of interest, the date of issue and the time when the same is to mature. The aggregate cost of issuing such bonds and marketing same shall be paid from the proceeds of the bond sale, or deducted from same and the project accounts credited with the net proceeds of the sale or sales.

#### **304-67. Form of Bond and Note Prescribed.**

The commissioners of the public debt shall prescribe the form of bonds and notes issued under the provisions of ch. 67, Wis. Stats.

**304-69. Bonds; Signature.** In addition to the requirements otherwise provided by law, all bonds and notes shall be signed by the comptroller, and shall be attested by the commissioners of public debt, whose imprinted facsimile signatures shall appear thereupon.

#### **304-71. Requirements for Approval of Bonds.**

##### **1. FORM AND EXECUTION.**

Notwithstanding any other provisions, whenever the city attorney's office shall be called upon to approve a bond as to form and execution, the following requirements shall be demonstrated to the satisfaction of the city attorney's office before such bond shall be approved as to form and execution:

a. The bond shall be signed by the principal and the surety and, if a corporation, by its authorized officer or officers or authorized agent.

b. A certificate of compliance with the state law or authorization to do business in Wisconsin by the surety shall be attached to each bond or be on file in the office of the city attorney.

c. In the event a bond is executed on behalf of the surety by an agent or attorney in fact, a certified copy of the power of attorney or authorized agent must be attached to the bond or be on file with the city attorney's office.

d. The bond must be accompanied by an affidavit of no interest prescribed by s. 3.29, charter.

##### **2. CITY ATTORNEY'S APPROVAL.**

Bonds shall be presented to the city attorney's office in a timely fashion so that there shall be adequate time to examine the bond with respect to its form and execution. Failure to present such bonds within a reasonable time to afford the city attorney's office an adequate opportunity to examine into the form and execution thereof shall be a basis for the city attorney's office to refuse to approve the bond as to form and execution.

**3. DEFINITIONS.** Wherever the word "form" is used with respect to approval as to form and execution, the same shall not refer to the subject matter or the provisions or substance of the document, but merely to the manner in

which it is drawn. Wherever the word "execution" is used with respect to approval as to form and execution, the same shall not refer to delivery or acceptance, but only to signing.

4. BOND NOT APPROVED. The city attorney's office is authorized to refuse to approve a bond as to form and execution if, in its judgment, such bond may present any legal question whatsoever as to its proper form, execution or validity.

### 304-81. Grant Projects and Programs.

#### 1. DEFINITIONS. In this section:

a. "Capital grant" means a grant whose funds are restricted by the grantor for the planning, acquisition or construction of fixed (capital) assets.

b. "City share" means the difference between total grant costs and grantor eligible costs. "City share" may be required or non-required match. A required match is project costs incurred but not eligible for reimbursement and required by grantor agreement for matching purposes.

c. "Costs" means costs as defined in federal management circular A-87 or its successor, cost principles applicable to grants and contracts with state and local governments. These costs are further defined in the city's object code for expenditures maintained by the city comptroller.

d. "Eligible costs" means total costs in which the grantor and grantee agree to participate.

e. "Grant" means a contribution or gift of cash or other assets from any entity (governmental, profit or nonprofit) to be used or expended for a specified purpose, activity or facility excluding developer out-of-program agreements.

f. "Grantor eligible costs" means all costs (both direct and indirect) which are eligible and approved by the grantor for reimbursement or match under grant agreement, regulations and guidelines.

g. "In-kind match" means that portion of the city share of a grant which consists of city expenditures related to the attainment of the grant objectives which are typically budgeted with existing departmental operating funds whether or not a grant is involved and which are of a continuing nature, having existed prior to the grant and expected to continue after the grant is completed. An "in-kind" match may also include a contribution to a grant from a non-city source.

h. "Operating grant" means a non-capital grant whose funds are restricted for a specified purpose or program.

i. "Out of pocket match" means additional nondepartmentally budgeted funds (cash or borrowed funds) and includes funds provided by the city for major street and bridge improvements.

j. "Program income" means income as defined in the federal office of management and budget (OMB) circular A-102 or its successor or as specified by the grantor agency.

k. "Total costs" means all costs (both direct and indirect) to be incurred during the grant project period, regardless of eligibility for grant reimbursement.

#### 2. ANNUAL CITY BUDGET.

##### a. Central Grant Parent Accounts.

a-1. The annual budget is to be prepared in accordance with procedures as prescribed by the department of administration. City-wide grant parent accounts shall be included in the grant fund and capital improvement fund. The following parent accounts will be created for each fund as follows:

a-1-a. Grant fund parent account (operating grants): Grantor share; City share out-of-pocket.

a-1-b. Capital improvement fund parent account (capital grants): Grantor share; City share required or nonrequired match borrowing/cash.

a-2. No appropriation transfers shall be made from these parent accounts unless the creation of a grant account is first approved by common council resolution and the city receives a grant award. The city out-of-pocket share will additionally be budgeted for tax levy purposes in a special purpose account of the general fund.

a-3. The central grant parent accounts shall include the funding (expenditure authorization) for the total cost of the grant to be implemented by the city during the calendar year and a sum for unanticipated grants.

a-4. The appropriation for the central grant parent accounts shall not be itemized on a project by project basis for the coming budget year. The budget document will provide summary parent account totals. Details of the prior year's expenditures for grants are shown in the single audit act supplemental financial report.

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#### b. Budget Submittal and Review.

##### b-1. Operating Grants.

b-1-a. Each city department shall submit to the department of administration on form BMD-28 or its successor its requests for operating grant projects to be funded during the next budget year. These requests shall be analyzed by the department of administration and shall be aggregated into the total budget request for operating grant projects.

b-1-b. Each city department shall notify the department of administration of any potential grants which are not budgeted but may occur during the next budget year. This information will be used to insure that the amount budgeted in the grant parent accounts is sufficient for all grants received during the year.

b-1-c. The operating budget form BMD-2 or its successor shall be prepared and reviewed by the department of administration according to budget procedures.

b-1-d. The city comptroller shall review the BMD-28 forms or their successors for reasonableness and submit a communication to the department of administration, indicating concurrence or disagreement with the requests, including necessary revenue estimates.

b-2. Capital Grants. Each city department shall submit to the department of administration capital request form BMD-100 or its successor its program or project requests for capital grants, to be funded during the next budget year. These requests will be analyzed by the department of administration, and shall be aggregated into the total grant budget request for capital grants.

b-3. Time Table. The budget submittal and review shall be performed within the budget timetable as published by the department of administration.

#### c. Departmental Operating Budgets.

c-1. Positions authority shall be included with funds, on a line by line basis, for grant-related positions other than "in-kind", which are required by existing grant agreements or contracts. An amount equal to the sum of the salaries for all grant positions included in each organization shall be entered as an offsetting deduction on the line "grants and aids" deduction. Such positions shall be identified in the budget under an appropriate caption identifying the grant project. Definite termination date notations for each position, to

coincide with or approximate the period of the grant, shall also be included in the budget and companion positions ordinance. This subdivision applies to those grant-related positions which were not in existence prior to the receipt of the original grant nor are expected to continue after the grant project is completed.

c-2. In-kind match positions will be shown in the normal manner with positions authority and funding. No deductions will be made from the departmental budget for in-kind match positions. Other in-kind match expenditures (supplies, materials and services) will also be budgeted in the normal manner and no deductions will be made from the departmental budget for these anticipated expenditures. Such in-kind match expenditures are to be budgeted for the calendar year rather than for the period of the grant.

c-3. The out-of-pocket match and the grantor eligible costs shall not be included in departmental budgets. These appropriations (expenditures) will be authorized in a central special purpose account rather than in the budgets of implementing departments. Departmental expenditures involving the out-of-pocket match or the grantor eligible costs shall be incurred through direct charge specified in sub. 6-b.

c-4. Equipment purchase authorization by grants shall not be included in departmental operating budgets unless it is an in-kind contribution.

c-5. Pension and other fringe benefit costs related to grants, whether they are to be financed by the city or by the granting agency, shall be included in the normal account used for funding each centrally budgeted fringe benefit. That portion of such costs that is to be financed by the granting agency shall also be included in the respective grant parent account and be offset in the city's general revenues by inclusion of appropriate revenue items by the city comptroller to avoid a tax levy impact.

### 3. INDIVIDUAL GRANT BUDGET.

a. Classification. The classification of a grant as either capital or operating shall be the determination of the city comptroller in accordance with generally accepted accounting principles (GAAP). This determination is to be prior to common council approval of a grant.

- b. Operating Grants.
  - b-1. Budgets shall be itemized into the following cost categories in accordance with the city expenditure accounts:
    - b-1-a. Personnel-direct labor (0060XXXX) and labor related (0060XXXX).
    - b-1-b. Fringe benefits (00618XXX).
    - b-1-c. Operating expenditures (0063XXXX).
    - b-1-d. Equipment (00680XXX through 00689XXX).
    - b-1-e. Indirect costs on applicable direct costs as defined by the city comptroller.
  - b-2. The budget costs listed under subd. 1 shall also be categorized by source of funding as follows:
    - b-2-a. Grantor eligible costs.
    - b-2-b. City share-out-of-pocket.
    - b-2-c. City share-in-kind.
  - c. Capital Grants. Individual grant budgets for capital grants shall be submitted with the authorizing resolution and approved therein.
    - c-1. Budgets shall be itemized into the following costs:
      - c-1-a. Administrative expenses, including indirect costs.
      - c-1-b. Acquisition costs.
      - c-1-c. Relocation expenses.
      - c-1-d. Demolition expenses.
      - c-1-e. Public improvement costs.
      - c-1-f. Equipment costs.
      - c-1-g. Disposition costs.
      - c-1-h. Environmental study and clean-up costs.
      - c-1-i. Miscellaneous (contingencies).
    - c-2. Costs listed under subd. 1 shall also be categorized by source of funding as follows:
      - c-2-a. Grantor eligible costs.
      - c-2-b. City share - out-of-pocket (borrowing/cash).
      - c-2-c. City share - in-kind.
  - d. Instructions. The city comptroller, in cooperation with the department of administration, shall prepare procedural instructions for the preparation of individual grant budgets. These instructions shall include as a minimum definitions of detail costs and standardized budget forms.
- 4. FUNDING INDIVIDUAL GRANTS.**  
 All grants except those involving amounts not exceeding \$20,000 and which do not require city share out-of-pocket matches shall comply with the following procedures:

- a. All resolutions relating to operating and capital grants shall be introduced by the administering department to the common council for approval.
- b. Common council resolutions for grants shall be required prior to application and acceptance of funding. No department may apply for or accept grant funds without the prior approval of the appropriate resolution by the common council.
- c. Departments shall prepare and submit a grant analysis form to the department of administration for review prior to submitting the material listed in par. d. The grant analysis form is required for all new and continuing operating grants. Departments seeking approval of capital grants that have not been included in the current budget are also required to provide this information.
- d. The following documents shall be submitted to the city clerk's office by the published deadline prior to introduction at a meeting of the common council:
  - d-1. Resolution.
  - d-2. Fiscal Note.
  - d-3. Grant budget form, except for major street and bridge improvements.
  - d-4. Grant analysis form, if applicable.
- e. Departments shall be responsible for submitting a letter to the department of employee relations relative to the level or rate of pay for new positions.
- f. The department of administration shall be responsible for development of a standard common council resolution format for grants which complies with the format requirements of the city clerk's office. This format shall include, but not be limited to, source of grant funds, grant purpose, funding, travel authority, equipment authorization, initial positions authorization including expiration dates and private automobile reimbursement eligibility. The city comptroller shall review and approve the standardized format and any variances from the standardized format before the resolution is heard by the appropriate committee of the common council.
- g. The department of public works shall be responsible for the development of a standard common council resolution for major street and bridge improvements. The department of administration and the city comptroller shall review and approve the standardized format and any variances from the standardized format.

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h. Quarterly Report. Administering departments shall on a quarterly basis prepare and submit to the division of budget and policy reports relating to the acceptance of any grants not required pursuant to par. 0 to comply with the provisions of this subsection. From the departmental reports, the division of budget and policy shall on a quarterly basis prepare and submit a single, coordinated report to the common council and city comptroller.

5. GRANT ACCEPTANCE AND ESTABLISHMENT OF GRANT ACCOUNTS. All grants including those involving amounts not exceeding \$20,000 and which do not require city share out-of-pocket matches shall comply with the following procedures:

a. Upon award and acceptance of a grant, a copy of the grant agreement and grantor approved budget shall be sent to the city comptroller.

b. The administering department shall designate a coordinator for each grant project or program and notify the city comptroller. The city comptroller shall notify the administering department of the staff person in the comptroller's office responsible for each grant.

c. The administering city department shall prepare amendments to the original resolution prior to the execution of the grant award if:

c-1. The purpose of the grant is significantly changed.

c-2. The amount of city share - out-of-pocket changes from that specified in the original resolution.

c-3. The amount of city share increases by more than 10% of the total cost or \$5,000, whichever is greater.

c-4. The total grant exceeds that originally specified by more than 10%.

c-5. The ratio of out-of-pocket match to grant increases from that specified in the original resolution.

c-6. Position authority is changed from that originally approved.

d. Individual grant accounts shall be established by the city comptroller with the concurrence of the administering department to provide for accounting of grant costs consistent with the grant budget and city accounting policies. The city comptroller shall be responsible for the accounting system to be used for a grant project.

e. Prior to the start of the grant period, the department of employee relations shall notify the city comptroller that grant funded positions as proposed and authorized in the grant resolution have been reviewed and that the rates of pay are consistent with other city positions performing similar duties or are reasonable for the responsibilities and duties proposed.

6. EXPENDITURE OF GRANT FUNDS AND GRANT FINANCIAL REPORTING.

a. Expenditure of grant funds shall be in accordance with the grant agreement, grantor approved budgets and city policies.

b. Expenditures shall be charged directly to the grant accounts and shall be coded to the city's expenditure code for expenditures as maintained by the city comptroller. The accounts established by the city comptroller shall be the official financial records for grants. The city comptroller shall review and approve specialized transaction coding to meet individual grant accounting and reporting requirements. Any variance from these procedures shall be approved by the city comptroller.

c. City share - in-kind match costs (exclusive of indirect costs) shall be charged to the grant in-kind performance submeasures as established by the city comptroller.

d. The acquisition of materials, supplies, equipment and contracts shall be in accordance with procedures established by the central board of purchases or its successor and grant procurement regulations. Equipment variances shall be approved in accordance with s. 18-10, city charter. Copies of these approvals shall be forwarded to the city comptroller.

e. Expenditure of grant funds for travel shall be limited to 110% of the amount specified in the grant budget submitted with the authorizing resolution if approved by the grantor. All travel expenditures shall be in accordance with city travel policies.

f. The administering city department shall be responsible for the preparation of grant activity reports, if required, relating to the meeting of goals and objectives of the grant. Copies of the final reports, if required by the grantor agency, are to be sent to the city comptroller, the department of administration and the legislative reference bureau.



g. Financial reports for grants shall be prepared and submitted by the administering department in accordance with the grant agreement and regulations after review by the city comptroller. The city comptroller shall establish a grant billing cycle based upon the city's accounting periods which is to be used in meeting grant fiscal reporting requirements. All fiscal reports shall agree with the grant accounts as maintained by the city comptroller. Reconciliation shall be provided to the city comptroller for reports not agreeing with the official grant accounts. Copies of all financial reports shall be sent to the city comptroller.

h. All draw requests or requests for reimbursement shall name the treasurer, city of Milwaukee, as payee. The grantor shall be instructed to send all checks or wire funds to the city treasurer. The city comptroller and city treasurer shall develop procedures for the recording of the receipt of grant funds.

i. If the grantor authorizes the use of program income earned during the grant period, the city comptroller is authorized to transfer additional appropriations and estimated revenues for the amount of program income consistent with the grant award up to 10% of the original award. If program income is not required to be used for the grant, or returned to the grantor, it shall be transferred to general city revenue at the city's fiscal year-end.

#### **7. BUDGET MODIFICATIONS AND COST OVERRUNS AND DISALLOWED COSTS.**

a. The administering department shall be responsible for obtaining grantor approval of line budget modifications when required and transmit the amended budget and approval to the city comptroller.

b. The administering department shall notify the grantor and the city comptroller if the grant cannot be completed within the original budgeted amount or time period. A request shall be made to the grantor for participation in the estimated cost overrun and time extensions prior to the request for additional city funding. The department shall not incur costs in excess of the amount authorized unless approved by the grantor and the common council.

c. The administering city department shall be responsible for obtaining the appropriate funding for estimated project overruns and costs disallowed by the grantor agency.

d. To permit a reasonable flexibility in variances between actual costs and estimates:

d-1. Expenditure charged to a grant for out-of-pocket match shall be permitted to exceed the original appropriation for these costs by not more than \$1,000 providing sufficient funds are available in the grant parent account and a transfer has been approved in accordance with s. 18-10, city charter.

d-2. If expenditures charged to a major street and bridge improvement grant exceed the amount authorized by 10% of the total cost or \$5,000, whichever is greater, the administering city department shall request additional authorization from the budget and policy division in accordance with s. 18-10-6, city charter. The city comptroller is authorized and directed to make the approved transfers.

d-3. The provisions of par. d. shall also apply to all previously approved grants.

#### **8. ANNUAL APPROPRIATION CARRYOVERS AND GRANT CLOSEOUTS.**

a. For each grant that has not been completed, the year end balance in the grant appropriated to a department shall carry forward in accordance with common council resolution to the next budget year. The carrying over of unexpended funds shall be limited to 3 years from the year in which the funds were appropriated, or, as provided by law. An operating grant exceeding this term shall be refunded through a separate resolution.

b. The administering city department shall obtain formal grant extensions from granting agencies. Copies of these extensions shall be forwarded to the city comptroller upon receipt. Grants without formal extensions shall be closed out in accordance with the grant expiration date per the grant agreement.

c. A grant account shall be considered complete when the term of the grant has expired and a 120-day closeout period has elapsed. All grants shall be closed out in accordance with grantor regulations. The closeout period shall not exceed 120 days from the grant expiration date.

d. The grant parent accounts may be carried forward to subsequent years by appropriate common council action.

**9. GENERAL POLICY STATEMENTS.** a. Indirect costs shall be included as a grantor participating cost when permissible under the grant regulations. The decision to exclude indirect costs from grant or

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participating costs shall rest with the common council.

b. The community development agency was authorized and directed to coordinate the implementation of activities conducted as a part of the city of Milwaukee's community development plan by resolution file number 74-92-e, adopted on October 8, 1974. In conjunction with these responsibilities, the community development agency developed procedural guidelines for the community development block grant program which were adopted by common council resolution 74-92-5v on April 10, 1979. These guidelines shall remain in effect with the exception of the line in section V(A) referring to capital improvements guidelines. The department of administration or its successor shall continue to provide guidelines for the community development block grant program provided that any changes to the guidelines are approved by the city comptroller and any other interested city department prior to their submission to the common council. This is to insure that the provisions of this section are followed as much as practicable.

c. The city comptroller in cooperation with the department of administration shall develop procedural instructions after consultation with affected city departments to implement the provisions of this section.

### **304-91. Expenditure of Funds to be Reimbursed by Greater than Anticipated Revenues.**

#### **1. DEFINITIONS.** In this section:

a. "Reimbursable expenditure" means the cost of departmental labor, materials or services not currently appropriated in that department's budget, the provision of which generates greater than anticipated revenue.

b. "Greater than anticipated revenue" means a revenue generated by a reimbursable expenditure which is greater than the revenue anticipated therefrom in the current year's budget.

#### **2. GENERAL POLICY STATEMENT.**

Section 18-06-2 of the city charter provides that whenever a department is reimbursed for

materials or services furnished and the funds so received are not by law credited to some particular fund, the department may spend money so received for the same purpose for which the money was originally appropriated in the budget. Section 925-130a, Wis. Stats. (1919), provides authority for temporarily funding such reimbursable expenditures. In accordance with s. 925-130a, Wis. Stats. (1919), general city funds may be temporarily transferred to a special purpose account, reimbursable services advance fund, in anticipation of estimated revenues to be applied to such fund.

### **3. APPROPRIATION AND EXPENDITURE OF FUNDS TO BE REIMBURSED BY GREATER THAN ANTICIPATED REVENUE.**

a. The expenditure of funds to be reimbursed by greater than anticipated revenue shall occur only after the common council provides the necessary appropriation authorizing budgetary and expenditure authority.

b. The authorizing resolution shall include an estimate of expenditures to be reimbursed by greater than anticipated revenue, and an estimate of greater than anticipated revenue. The estimate of greater than anticipated revenue shall be equal to or greater than the estimate of expenditures to be reimbursed and shall be certified by the comptroller in the authorizing resolution.

c. Upon introduction, the city clerk shall refer the authorizing resolution to the comptroller's office to obtain the original signature of the comptroller which certifies to the greater than anticipated revenue amount. The following language shall be included in any resolution that authorizes reimbursable expenditures that are funded by greater than anticipated revenue pursuant to s. 304-91:

Pursuant to s. 304-91, I hereby certify that the money required for this item is anticipated to be realized on or before 12/31/xx to be expended only for the purpose(s) in this resolution.

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Comptroller                      Date

d. Upon adoption of a common council resolution authorizing appropriation of funds from the reimbursable services advance fund to a department for expenditure, the comptroller shall advance funds from the

general fund consistent with the authorizing resolution.

e. Expenditures are to be in accordance with prescribed city policies and procedures.

4. DOCUMENTATION. Prior to introduction of a resolution referenced in sub. 3, city departments requesting expenditure authority for reimbursable expenditures shall submit documentation in support of estimates for expenditure and greater than anticipated revenue to the budget and policy division and provide copies to the comptroller.

**304--(HISTORY) Finance****LEGISLATIVE HISTORY  
CHAPTER 304**Abbreviations:am = amended  
cr = createdra = renumbered and amended  
rc = repealed and recreatedm = renumbered  
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 304	cr	881930	3/7/89	3/25/89
304-3-1-a	am	930096	5/25/93	6/12/93
304-3-1-a	am	980942	10/30/98	11/18/98
304-3-1-b	m to 304-3-1-c	980103	5/27/98	6/13/98
304-3-1-b	cr	980103	5/27/98	6/13/98
304-5-2-0	am	930451	7/27/93	8/13/93
304-7-1	am	930097	5/25/93	6/12/93
304-7-2-e	am	961318	12/17/96	1/9/97
304-18	cr	000325	6/30/2000	7/20/2000
304-24	cr	930380	7/6/93	7/23/93
304-24-5-d	am	030504	11/14/2003	1/1/2004
304-24-7-a	am	030504	11/14/2003	1/1/2004
304-25 <sup>1</sup>	rp	940095	5/17/94	6/4/94
304-25-3	am	891786	5/29/90	7/15/90
304-25-7	m to 304-25-9	891786	5/29/90	7/15/90
304-25-7	cr	891786	5/29/90	7/15/90
304-25-9	rc	901494	1/22/91	2/1/91
304-25-10	cr	901494	1/22/91	2/1/91
304-27-2-c	rc	891614	1/16/90	2/3/90
304-27-4-0	am	891614	1/16/90	2/3/90
304-27-4-a-0	rc	891614	1/16/90	2/3/90
304-27-4-b and c	am	891614	1/16/90	2/3/90
304-28	cr	891612	12/19/89	12/24/89
304-28.5	cr	931862	4/26/94	5/13/94
304-28.5-5	am	960380	7/30/96	8/16/96
304-28.5-6	m to 304-28.5-7	961524	5/13/97	5/31/97
304-28.5-6	cr	961524	5/13/97	5/31/97
304-29-3-d	am	941625	2/14/95	3/3/95
304-29-4-a-2	am	931078	11/11/93	12/19/93
304-30	cr	900963	11/6/90	11/23/90
304-30-2-c	am	941797	6/6/95	6/23/95
304-30-3-a	am	941797	6/6/95	6/23/95
304-30-3-c	rp	941797	6/6/95	6/23/95
304-38	cr	030524	7/31/2003	8/19/2003
304-48	cr	961687	3/4/97	3/20/97
304-48	rc	020093	5/14/2002	6/1/2002
304-48-2-c	rc	971769	3/20/98	4/4/98
304-48-3-c	am	980963	12/18/98	1/1/99
304-48-5	am	971769	3/20/98	4/4/98
304-49-2-0	am	900641	10/16/90	11/2/90
304-49-2-d	cr	900641	10/16/90	11/2/90
304-49-3.5	cr	900641	10/16/90	11/2/90
304-49-4	am	980963	12/18/98	1/1/99
304-49-4	am	990863	10/19/99	11/5/99

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<sup>1</sup> Date of repeal effective was contingent upon date exposition district imposed and commenced collection of a room tax under s. 66.75(1m)(a), Wis. Stats. The district commenced collection of the tax 1/1/95.

# Finance 304--(HISTORY)

304-49-6	am	85-1551	5/29/90	6/15/90
304-49-6-0	rc	950143	4/2/96	5/1/96
304-49-6-a	rc	950143	4/2/96	5/1/96
304-49-6-a-1	am	960621	7/30/96	8/16/96
304-49-6-a-1	am	970301	1/20/98	1/24/98
304-49-6-b	am	980963	12/18/98	1/1/99
304-49-6-c	cr	901739	7/28/92	8/14/92
304-49-6-c	rc	950178	7/28/95	8/16/95
304-49-6-c-1	am	921872	4/8/93	4/28/93
306-49-6-c-1	am	931118	11/24/93	12/15/93
304-49-6-c-3	am	931118	11/24/93	12/15/93
304-49-6-c-3	am	980963	12/18/98	1/1/99
304-49-6-c-5	am	980963	12/18/98	1/1/99
304-49-6-c-6	am	980963	12/18/98	1/1/99
304-49-6-c-6	am	990863	10/19/99	11/5/99
304-49-6-c-7	am	921872	4/8/93	4/28/93
304-49-6-c-7	am	931118	11/24/93	12/15/93
304-49-6-c-8	am	980963	12/18/98	1/1/99
304-49-7.5	cr	900088	9/25/90	10/12/90
304-49-8	rc	950143	4/2/96	5/1/96
304-49-8	m to 304-49-9	960336	6/25/96	7/13/96
304-49-8	cr	960336	6/25/96	7/13/96
304-49-8	am	980963	12/18/98	1/1/99
304-49-9	m to 304-49-10	960336	6/25/96	7/13/96
304-49-9	am	980963	12/18/98	1/1/99
304-49-10	m to 304-49-11	920569	11/20/92	12/11/92
304-49-10	cr	920569	11/20/92	12/11/92
304-49-10	m to 304-49-11	960336	6/25/96	7/13/96
304-49-11	am	912458	5/26/92	6/12/92
304-49-11	m to 304-49-12	920569	11/20/92	12/11/92
304-49-11	am	930451	7/27/93	8/13/93
304-49-11	m to 304-49-12	950143	4/2/96	5/1/96
304-49-11	cr	950143	4/2/96	5/1/96
304-49-11	m to 304-49-12	960336	6/25/96	7/13/96
304-49-11-c	cr	960336	6/25/96	7/13/96
304-49-12	m to 304-49-13	950143	4/2/96	5/1/96
304-49-12	m to 304-49-13	960336	6/25/96	7/13/96
304-49-12	m to 304-49-13	001267	1/16/2001	2/2/2001
304-49-12	cr	001267	1/16/2001	2/2/2001
304-49-13	m to 304-49-14	960336	6/25/96	7/13/96
304-49-13	m to 304-49-14	001267	1/16/2001	2/2/2001
304-49-13	m to 304-49-14	011621	5/14/2002	6/1/2002
304-49-13	cr	011621	5/14/2002	6/1/2002
304-49-14	m to 304-49-15	001267	1/16/2001	2/2/2001
304-49-14	m to 304-49-15	011621	5/14/2002	6/1/2002
304-49-15	am	001458	2/27/2001	3/16/2001
304-49-15	m to 304-49-16	011621	5/14/2002	6/1/2002
304-49-17	cr	020935	11/6/2002	11/23/2002
304-51	am	912458	5/26/92	6/12/92
304-57-1	rc	961786	4/22/97	5/9/97
304-65	am	930451	7/27/93	8/13/93
304-81	cr	940843	10/18/94	11/4/94
304-81-1-b	am	030712	9/23/2003	10/10/2003
304-81-2-a-1-a	am	030712	9/23/2003	10/10/2003
304-81-2-a-1-b	am	030712	9/23/2003	10/10/2003
304-81-2-b-1-d	am	030712	9/23/2003	10/10/2003
304-81-2-c-1	am	030712	9/23/2003	10/10/2003

**304 (HISTORY)--Finance**

304-81-3-b-1	rc	030712	9/23/2003	10/10/2003
304-81-4-0	am	031671	4/13/2004	4/30/2004
304-81-4-b	am	030712	9/23/2003	10/10/2003
304-81-4-h	cr	031671	4/13/2004	4/30/2004
304-81-5-0	am	031671	4/13/2004	4/30/2004
304-81-6-b	am	030712	9/23/2003	10/10/2003
304-81-7-d-2	am	030712	9/23/2003	10/10/2003
304-81-7-d-2	am	030504	11/14/2003	1/1/2004
304-81-7-d-3	rp	030712	9/23/2003	10/10/2003
304-81-7-d-4	rn to 304-81-7-d-3	030712	9/23/2003	10/10/2003
304-81-9-a	am	030712	9/23/2003	10/10/2003
304-91	cr	980965	10/30/98	11/18/98
304-91-4	am	030504	11/14/2003	1/1/2004